

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7151 OF 2017

Shri Jitendra Eknath Shelar ...Petitioner
V/s.
The State of Maharashtra and ors. ...Respondents

Mr.Amey Deshpande for the Petitioner.
Mr.S.H. Kankal, A.G.P. for the State – Respondent No.1.
Mr.Mahendra Nandlal Sandhyanshiv for Respondent Nos. 3 and 4.

CORAM : R.D. DHANUKA, J.
DATE : APRIL 26, 2018.

P.C. :-

1. The papers are allowed to be produced at 1:30 p.m.
2. By this Petition filed under Article 227 of the Constitution of India, the Petitioner has impugned the order dated 9th May 2017 passed by the learned Additional Commissioner, Nashik, the order dated 27th July 2016, passed by the learned Additional Collector, Malegaon, District Nashik and Status quo order dated 21st September 2016, passed by the learned Additional Commissioner, Nashik Division, Nashik.
3. The Petitioner was elected as a member of Gram

Panchayat Yesgaon Budruk, Tal. Malegaon for the period between 2015-2020 and was elected as Sarpanch on 9th August 2015. The Respondent No.3 filed a dispute alleging encroachment made by the Petitioner on the Government land. The said dispute came to be decided by the learned Additional Collector, Malegaon on 27th July 2016, and thereby, disqualifying the Petitioner as member of the said Gram Panchayat. The appeal filed by the Petitioner came to be dismissed by the learned Additional Commissioner, Nashik on 9th May 2017. Perusal of both the orders indicates that there are findings of the fact against the Petitioner that he had carried out encroachment on the Government land and was thus disqualified under Section 14(j-3) of the Maharashtra Village Panchayat Act, 1958.

4. In my view, findings of facts rendered by the authorities being not perverse, cannot be interfered by this court under Article 227 of the Constitution of India. The petition is devoid on merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)